

U.S.S.N. 10/791,607

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REMARKS

The Applicants hereby respectfully elect with Group II device claims 22-40 with traverse.

Claims 1-21 are hereby withdrawn from further consideration by the Examiner.

In the present Office Action, the Examiner contended that another method that is a materially different process in which the sidewall region/positive radius of curvature at the spacer upper portion is exposed by selectively depositing a layer of material such that it covers only a lower portion of the spacer, thereby leaving the sidewall region/positive radius of curvature at the spacer upper portion exposed may also be used to produce the present invention structure.

The Applicants respectfully traverse the Examiner's contention in that the present invention structure can only be produced by forming a spacer that has a partially exposed sidewall region at an upper portion of the spacer defining a phase change memory element contact area, and cannot be produced by selectively depositing a layer of material such that it only covers a lower portion of the spacer.

The withdrawal the Restriction Requirement by the Examiner

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is respectfully requested and the simultaneous examination of the Method Claims 1-21 with the Device Claims 22-40 is respectfully solicited from the Examiner.

Respectfully submitted,

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